REMARKS

Applicant submits this Reply to the Office Action mailed January 28, 2008. By this Reply, Applicant has amended independent claims 15 and 29. Accordingly, claims 15 and 19-33 remain pending in this application. The originally-filed application fully supports the subject matter of amended claims 15 and 29. Thus, this Reply introduces no new matter.

As an initial matter, Applicant thanks the Examiner for conducting an interview with Applicant's representative on April 23, 2008. The claim amendments and remarks are consistent with subject matter discussed during the interview.

In the Office Action, claims 29-33 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. Specifically, the Office Action stated that "[i]t is unclear if the speed of each portion of the ejection stroke is the same or different." Office Action at 2. Applicant has amended independent claim 29 to overcome this rejection, from which claims 30-33 ultimately depend, and requests withdrawal of the Section 112, second paragraph, rejection of claims 29-33.

In the Office Action, claims 15, 19-22, and 25-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,112,823 to Liberman et al. ("Liberman"), and claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liberman in view of U.S. Patent No. 4,522,551 to Henneberry ("Henneberry"). Applicant respectfully traverses these rejections for at least the reasons provided below.

With respect to independent claim 15, Liberman fails to disclose, among other things, "a sensor configured to sense the fluid cylinder operating at a first speed during a first portion of an extension stroke and operating at a second speed during a second portion of the extension stroke; and a speed control operatively connected to the sensor and the cylinder and automatically changing the fluid input to the cylinder to operate the cylinder at the first speed during the second portion of the extension stroke." Liberman discloses that "[t]o determine the proper time period for an hydraulic cylinder to be regulated such that cylinder elongation is intermittent and an essentially constant function with respect to time, the length of the cylinder stroke is subdivided into a plurality of equal length intervals." Liberman, col. 4, ll. 14-18. Liberman adds that "by controlling the time interval between length increments, the overall time required to completely extend an hydraulic cylinder may be varied." Liberman, col. 4, ll. 43-45. Liberman further discloses limit switches that "alter the time period set in the second timer circuit 30 . . . such that, for each successive stage of the cylinder 42, the valve 90 will be opened for an appropriate brief interval to provide equal length increments for each of the successive stages." Liberman, col. 6, ll. 18-23.

Liberman fails to disclose, or even suggest, a sensor configured to sense the fluid cylinder operating at a first speed during a first portion of an extension stroke and operating at a second speed during a second portion of the extension stroke; and a speed control operatively connected to the sensor and the cylinder and automatically changing the fluid input to the cylinder to operate the cylinder at the first speed during the second portion of the extension stroke," as recited in claim 15. Instead, Liberman discloses that "by controlling the time interval between length increments, the overall

time required to completely extend an hydraulic cylinder may be varied." Liberman, col. 4, ll. 43-45. Whereas the claimed invention recites a "speed control," Liberman discloses "controlling the time interval between length increments." Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claim 15 and its dependent claims 19-22 and 26-28.

Regarding independent claim 29, similar to the arguments presented above in connection with claim 15, Applicant submits that Liberman fails to disclose, or even suggest, each and every element of the claim. For example, Liberman fails to disclose, among other things, "a sensor configured to sense the motor driving the ejector from the first portion of the ejection stroke to the second portion of the ejection stroke; and a speed control operatively connected to the sensor and the motor and configured to regulate the amount of power from the power source to the motor to drive the ejector at the same ejection speed during both the first portion and the second portion of the ejection stroke to eject the material from the receptacle of the vehicle at a constant rate," as recited in claim 29. As noted above, Liberman discloses limit switches that "alter the time period set in the second timer circuit 30 . . . such that, for each successive stage of the cylinder 42, the valve 90 will be opened for an appropriate brief interval to provide equal length increments for each of the successive stages." Liberman, col. 6, ll. 18-23. Liberman does not disclose or suggest at least the above recitation of claim 29. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claim 29 and its dependent claims 30-33.

Claims 23 and 24 depend from independent claim 15 and include all the features of claim 15. With respect to the rejection of claims 23 and 24 under 35 U.S.C. § 103(a)

as being unpatentable over Liberman in view of Henneberry, Applicant submits that Liberman either alone or in combination with Henneberry does not disclose each and every element of claims 23 and 24. This is because Henneberry fails to remedy the deficiencies of Liberman noted above with respect to independent claim 15. For example, Henneberry fails to disclose or suggest, among other things, "a sensor configured to sense the fluid cylinder operating at a first speed during a first portion of an extension stroke and operating at a second speed during a second portion of the extension stroke; and a speed control operatively connected to the sensor and the cylinder and automatically changing the fluid input to the cylinder to operate the cylinder at the first speed during the second portion of the extension stroke," as recited in independent claim 15.

Indeed, the Examiner does not rely on Henneberry for disclosing the above recitation. Instead, the Examiner alleges that Henneberry discloses "a hydraulic control for an ejection plate with an overpressure sensor." Office Action at 5. Even assuming this allegation is correct, which Applicant does not concede, it does not constitute a teaching of the above recitation of claim 15. Accordingly, claims 23 and 24 are allowable for at least the same reasons that claim 15 is allowable. Withdrawal of the 35 U.S.C. § 103(a) rejected is respectfully requested.

In view of the foregoing remarks, Applicant submits that the claimed invention is not anticipated or rendered obvious by the prior art references cited against this application. Applicant therefore requests withdrawal of the rejections and timely allowance of all pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and drawings in this Reply, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: April 24, 2008

By: _____
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